

347—218.5(91D) Outside salesperson. “Employee employed . . . in the capacity of outside salesperson” means any employee:

218.5(1) Who is employed for the purpose of and who is customarily and regularly engaged away from the employer’s place or places of business in:

a. Making sales which include any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition, or

b. Obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and

218.5(2) Whose hours of work of a nature other than that described in 218.5(1) “*a*” or “*b*” do not exceed 20 percent of the hours worked in the workweek by nonexempt employees of the employer, provided that work performed incidental to and in conjunction with the employee’s own outside sales or solicitations, including incidental deliveries and collections, shall not be regarded as nonexempt work.

SOURCE: 29 CFR 541.5.